



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,619	08/25/2000	Tomoaki Kurano	PM 273762	4340

7590 08/05/2004
PILLSBURY WINTHROP LLP
1600 TYSONS BOULEVARD
MCLEAN, VA 22102

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,619

Applicant(s)

KURANO ET AL.

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2616

Detailed Action

Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2613, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Argument

The following is a rejection based on the applicants' amendment dated May 10, 2004.

On Pages 6-7 applicant has argued that the Yasukochi et al reference fails to teach the limitation of "wherein the control means records, on said disc-shaped recording medium, information for commanding said reproducing means to automatically sequentially reproducing said first and second programs recorded on said disc-shaped recording medium in the order of a channel number or a recording start time" which is present in independent claim 1. While applicant's points are understood, the examiner notes in the Yasukohchi et al reference Column 5 Lines 48-60 describes the control of recording onto the disc shaped medium in which reproducing/recording occurs onto the data buffer in the disc unit 106 which thereby the data is recorded onto the disc unit. Thereby the limitation of a structure of recording onto the disc-shaped recording medium in the varying recording/reproducing means is met.

While all of the above applicant's points are understood, the examiner cannot agree. Therefore this rejection is maintained.

Claim Rejections - 35 USC § 102

Art Unit: 2616

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 11, 12, 13, 14, 15, 16, 17, and 18 are rejected under 35

U.S.C. 102(b) as being unpatentable by Yasukohchi et al (US 6,278,837).

[claim 1]

In regard to Claim 1, Yasukohchi et al discloses a multichannel recording device and method for recording digital data constituting a program on a disc-shaped recording medium (Figure 1 disc unit 106) using a specified minimum data length unit that must be contiguous (Column 5 Lines 20+ describes the data compression (not shown in Figure 1) thereby the length of the data and the adjacent data being stored in the data buffers of Figure 1) the device comprising:

- control means for alternately recording digital data constituting a first and second programs that are mutually different (Column 4 Lines 30+ the control circuit 109, Figure 1, sends the varying channels to the disc unit which stores alternating channels of the video data from the data buffer that is indicated by the recording command data and the first address data from the access control circuit), on said disc-shaped recording medium using said specified data length unit (Column 4 Lines 35+ the disc interface stores and reads the multichannel video data in a time-division operation that gives a specified data length);

Art Unit: 2616

- reproducing means reproducing said disc-shaped recording medium (Column 1 Lines 30+); and
- wherein the control means records, on said disc-shaped recording medium information for commanding said reproducing means to automatically sequentially reproduce said first and second programs recorded on said disc-shaped recording medium in the order of at least one of a channel number or a recording start time (Column 4 Lines 39-68 describes the control of the reproducing means to automatically reproduce the programs recorded on the medium depending on which program was filed/recorded first).

[claim 2]

In regard to Claim 2, Yasukohchi et al discloses a multichannel recording device for recording digital data constituting a program on a disc-shaped recording medium using a specified minimum data length unit that must be contiguous comprising, as stated in Claim 1, with the additional limitation of the control means records, on the disc-shaped recording medium, information for commanding said reproducing means to reproduce at least one of the first and second programs which has been requested for reproduction (Column 4 Lines 49-59 describes the control signal commanding the reproducing).

[claim 3]

In regard to Claim 3, Yasukohchi et al discloses a multichannel recording method for recording digital data constituting a program on a disc-shaped recording medium using a specified minimum data length unit that may be contiguous comprising:

Art Unit: 2616

- alternately recording digital data constituting first and second programs that are mutually different on said disc-shaped recording medium using said specified data length unit (Column 5 Lines 39-60 which describes the first and second programs onto the disc with same the same addresses of each program);
- reproducing said disc-shaped recording medium (Column 1 Lines 30+);
- recording, on said disc-shaped medium, by a reproducing means, information for commanding said reproducing means to automatically sequentially reproduce said first and second programs recorded on said disc-shaped recording medium in the order of at least one of a channel number or a recording start time (Column 5 Lines 39-68 describes the control of the reproducing means to automatically reproduce the programs recorded on the medium depending on which program was filed/recorded first).

[claim 4]

In regard to Claim 4, Yasukohchi et al discloses a multichannel recording method, as stated in Claim 3, with the additional limitation of the recording, on said disc-shaped recording medium, by a reproducing means, information for commanding said reproducing means to reproduce at least one of said first and second programs which has been requested for reproduction (Column 6 Lines 1-35 describes the control signal commanding the reproducing).

[claims 5, 6, 7, 8, 9, & 10]

Claims 5, 6, 7, 8, 9, and 10 are cancelled.

Art Unit: 2616

[claims 11, 12, 13, & 14]

In regard to Claims 11, 12, 13, and 14 Yasukohchi et al discloses a multichannel recording device wherein while the digital data constituting said first and second programs are being alternately recorded on said disc shaped recording medium using said specified data length unit, if there is an area in the recording direction where other data are recorded, said control means skips the area during the recording (Column 4 Lines 23-37 describes the recording alternately of the first and second program by storing one channel while recording the other channel at the specified length of the programs being recorded. Furthermore, the access control circuit, Figure 1 108, holds the recording commands and detects the operations of the disc and if previous material has been recorded on that area of the disc).

[claims 15, 16, 17, & 18]

In regard to claims 15, 16, 17, and 18, Yasukohchi et al discloses a multichannel recording device and method specified data length unit is a CDA unit. (Column 5 Lines 15+ discusses the control circuit, which acts like a CDA unit, providing control for alternating the recording between the first and second programs by use of the video channel circuit, produces two mutually different programs, as well as the filing circuit which produces the addresses of the data being recorded onto the disc unit).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.163(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the even a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2616

mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed and extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event; however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

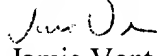
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378.

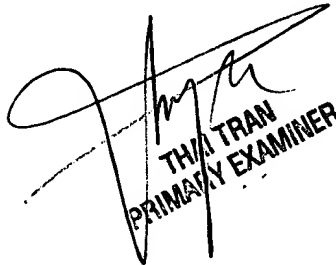
The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).


Jamie Vent
07/20/2004


THAI TRAN
PRIMARY EXAMINER